

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

FERRIS W. WHARTON
JUDGE

LEONARD L. WILLIAMS JUSTICE CENTER
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June 6, 2018

Albert J. Roop, IV, Esquire, Deputy Attorney General
Cynthia Hurlock, Esquire, Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801

Na-Quan Lewis
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

**RE: *State v. Na-Quan Lewis*
C.A. No. 1606013385**

Upon Defendant's Motion for Recusal - DENIED
Upon Defendant's Motion to Withdraw Guilty Plea – SUMMARILY DISMISSED¹

Dear Counsel and Mr. Lewis:

The Court had under consideration Defendant Na-Quan Lewis' ("Lewis")
Motion for Postconviction Relief (as well as two motions to amend that motion) when

¹ A motion to withdraw a plea must be made by motion under Rule 61. Super. Ct. Crim. R. 32(d). The Court reviews the Motion under Rule 61 and summarily dismisses it.

Lewis filed a Motion for Recusal² and a Motion to Withdraw Guilty Plea.³ The Motion for Recusal alleges an “appearance of impropriety and prejudice” claiming that the Court did not docket or rule on a letter addressed to it from his then counsel Natalie Woloshin, Esquire, dated November 17, 2016. He claims that the failure to docket the letter was a “form of obstruction of justice” as it “couldve [sic] changed the whole dynamic of the case In [sic] favor of the Defendant. It appears that the letter was never docketed because Lewis’ counsel failed to copy the Prothonotary. Further, the letter is not a motion. It simply noted his objection to the trial schedule the Court had set and asserted his right to a speedy trial. The letter is now docketed as part of the Motion for Recusal.⁴ Since the letter was not docketed because Lewis’s lawyer did not send a copy to the Prothonotary and since the letter did not request a ruling, Lewis has provided no basis for the Court to consider recusal.

Lewis’ Motion to Withdraw Guilty Plea, filed on June 4, 2018, was filed after his sentencing on July 6, 2017.⁵ It recites what is essentially the same issue with Ms. Woloshin’s letter as a basis to withdraw his plea. Pleas may be set aside after sentencing only under Rule 61.⁶ Reviewing the motion as a motion under Rule 61, it

² D.I. 89.

³ D.I. 90.

⁴ D.I. 89.

⁵ D.I. 71.

⁶ Super Ct. Crim. R. 32(d).

plainly appears from the motion and the record in the case that Lewis is not entitled to relief.⁷

Therefore, the Defendant's Motion for Recusal is **DENIED**. Defendant's Motion to Withdraw Guilty Plea, treated as a motion under Rule 61, is **SUMMARILY DISMISSED**.

IT IS SO ORDERED.

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Wharton', written over a horizontal line.

Ferris W. Wharton, Judge

oc: Prothonotary
cc: Investigative Services

⁷ Super. Ct. Crim. R. 61(d)(5).